

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MONTGOMERY COUNTY
INTERMEDIATE UNIT NO. 23**

v.

**A.F.
BY AND THROUGH HIS PARENTS
D.F. AND J.F., ET AL.**

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CIVIL ACTION NO. 20-1134

ORDER

This 9th day of December, 2020, upon consideration of Plaintiff and Defendants' cross motions for judgment on the administrative record/summary judgment, ECF No. 17 and 18, it is hereby **ORDERED** that Defendants' Motion is **GRANTED in part**, to the extent that it seeks tuition reimbursement under the IDEA based on a denial of FAPE, and that Plaintiff MCIU's Motion is correspondingly **DENIED** as to those issues. Defendants' Motion is **DENIED** to the extent that it seeks relief under Section 504 of the Rehabilitation Act.

It is further **ORDERED** that:

1. The decision of Independent Hearing Officer Cathy Skidmore, Esq., dated December 15, 2019 to award tuition reimbursement to the Defendants for the 2018-19 school year based on a procedural denial of FAPE is **AFFIRMED**.
2. The decision of Independent Hearing Officer Cathy Skidmore, Esq. is **REVERSED** to the extent that it found that the program offered to A.F. was substantively appropriate.

3. The decision of Independent Hearing Officer Cathy Skidmore, Esq. is
AFFIRMED to the extent that it found Plaintiffs liable under the Americans with Disabilities Act (“ADA”).
4. The decision of Independent Hearing Officer Cathy Skidmore, Esq. is
REVERSED to the extent that it found Plaintiffs liable under Section 504 of the Rehabilitation Act.
5. Defendants are Prevailing Parties under the Individuals with Disabilities in Education Act (“IDEA”) and the Americans with Disabilities Act (“ADA”).
6. Within thirty days of the entry of this order, Defendants shall submit a motion to determine the specific cost of tuition reimbursement, as well as for attorney’s fees and costs, and finally to determine the appropriateness of an award of expert fees.

/s/ Gerald Austin McHugh
United States District Judge